



MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, May 3, 2016 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Council Members in Attendance:

Blair Camp, Chair	District #2
Diane Turner, Vice-Chair	District #4
Dave Nicponski	District #1
Jim Brass	District #3
Brett Hales	District #5

Others in Attendance:

Ted Eyre	Mayor	Jan Lopez	Council Administrator
Jan Wells	Chief Admin. Officer	Janet Towers	Exec. Asst. to the Mayor
Pattie Johnson	Council Office	Brandon Burningham	Murray Chamber/Citizen
Tim Tingey	ADS Director	Frank Nakamura	Murray City Attorney
Kasey Kershaw	IDI Real Estate	Stan Hoffman	J R Miller - DPREP
Carrie Ann Miller	J R Miller - DPREP	Justin Zollinger	Finance Director
Scott Swallow	J R Miller	Tom Berggren	Jones Waldo
George A. Hunt	Attorney	Trong Lee	IT
Craig Burnett	Police Chief	Jennifer Kennedy	Murray City Recorder
Sally Hoffelmayer Katz	Resident	Jennifer Brass	Resident
Bill Francis	Imagination Company	Jared Hall	Community Development

Chairman Camp called the Committee of the Whole meeting to order at 4:00 p.m. and welcomed those in attendance.

1. Approval of Minutes

Mr. Camp asked for corrections and approval on the minutes from March 1, 2016 and April 5, 2016. Mr. Brass moved approval. Ms. Turner seconded the motion. All were in favor.

2. Business Items

2.1 Discuss the purchase, sale or lease of real property in the Murray City Center District. Murray City Council may vote to close the meeting pursuant to Section 52-4-204 of the Utah Code - Tim Tingey presenting.

Mr. Camp requested a motion to close this portion of the meeting to the public. A super majority vote was required to close the meeting. Mr. Hales moved to close. Mr. Nicponski seconded the motion. Call vote recorded by Ms. Lopez.

 Aye Mr. Brass
 Aye Ms. Turner
 Aye Mr. Hales
 Aye Mr. Nicponski
 Aye Mr. Camp

Mr. Camp stated the vote was unanimous. The meeting was closed at 4:08 p.m. to the public, with the exception of those invited to stay. Mr. Nakamura reported those remaining were, Murray City Council members, representatives from J R Miller, Murray City attorneys, Murray City Finance Director, Mayor's Office, ADS Director, and council administrator.

Committee of the Whole reconvened at 5:10 p.m. *(Mr. Nicponski was not present.)*

2.2 Discuss the Fiscal Year 2016 – 2017 Capital Projects Program Funding Recommendations - Justin Zollinger presenting.

Mr. Zollinger reported the Capital Improvements Program (CIP) Committee consisted of Mayor Eyre, Mr. Hales, Mr. Brass and himself. Ms. Lopez, Ms. Towers and Ms. Wells attended CIP meetings as well.

A summary sheet was shared depicting the sources of funds and categories used for the determined 2016-2017 fiscal year budget. He reminded the council they had approved the \$3.15 million that came from the .02 sales tax money the previous year. The amount would be greater than it had been in the past, with this fiscal year only having nine months of the additional tax. He reported prior year savings of \$1.2 million in the departments.

Total source of funds was listed as:

.02% Sales Tax	\$3,150,000
CIP Funds	1,860,172
Class C	1,559,731
Retained Risk	100,000
<u>Prior Year CIP</u>	<u>50,000</u>
Total Sources	\$6,719,903

Use of funds:

Equipment	\$1,321,817
Maintenance	107,897
Infrastructure	1,145,000
Class C	1,559,731
Building	1,370,000
Lease	3,500
Small Equipment	39,442
<u>Land</u>	<u>400,000</u>
Total Uses of funds	\$5,947,387

Saved for the future is:

Equipment	\$72,516	(Fire Department)
<u>Infrastructure</u>	<u>700,000</u>	
Total Future Savings	\$772,516	

Mr. Zollinger detailed some allocations:

- **Administrative Development Services (ADS)** \$ 212,000
- **Police Department** 465,000
 - Next year all Crown Vic police vehicles would be rotated out of the Police Department fleet.
- **Public Works** (roads included) 693,000
- **Parks and Recreation** 318,000
- **Murray Park Amphitheater** 1,125,000
 - (One half budgeted from .02 sales tax monies with matching County funds of \$1,125,000)
- **Murray Park Splash Pads** 725,000
 - (\$725,000 was allocated with the County matching \$1.2 million should the Zoo Arts and Park (ZAP) application be awarded.)
- **Land Acquisition** 400,000
- **Roads** 700,000
 - (saved for Hanauer Street to coordinate with economic development)
- **Fire Department** 205,000
 - Budgeted \$72,000 would be set aside for future savings. A decision was made to refurbish an ambulance rather than purchase a new one. The Nevada company came highly recommended and would install a new chassis. A savings of \$45,000.

Mr. Camp inquired about the highlighting and priorities on the spread sheet provided by Mr. Zollinger and if it reflected projects funded. Mr. Zollinger confirmed the spread sheet reflected both funded projects listed under column FY 2017 and requested projects. The CIP tried to recommend funding for the top proprieties in each department and division but could not get them all.

Mr. Camp announced the return of Councilmember Nicponski to the meeting.

Mr. Zollinger explained in the past, the CIP Committee allocated 20% of funding to go toward road projects. The city came very close to that goal and the following was reported:

CIP funded roads

▪ 6220 South 440 East Fashion Boulevard	\$260,000
▪ McHenry Street rebuild overlay	50,000
▪ Sanford Drive overlay	40,000

Roads Utilizing Class C funding

▪ 6100 South State to Fashion Boulevard	200,000
▪ Chevy Chase and Wesley rebuild overlay	500,000
▪ Murray Parkway Ave overlay	48,000
▪ Preventative Maintenance	300,000
▪ Salt	75,000
▪ ADA Compliance	186,000

Mr. Zollinger informed the council the \$1.2 million coming from the County match, had already been budgeted for the year.

Mr. Zollinger stated he generally did not favor lease payments coming from Capital Project funds. After a request was made for a new backhoe with a cost of \$160,000, it was discovered that leasing a brand new backhoe for just one year was only \$3,500. He believed buying a backhoe and owning it would be preferred, however it made more financial sense to lease it. At the end of the year, the backhoe would be picked up, replaced with a brand new backhoe and another renewable lease.

Mr. Brass agreed it was a good idea. Mr. Zollinger credited Doug Hill and Russ Kakala for bringing the program forward. Ms. Turner agreed it was a great idea. Mr. Zollinger was delighted and decided it was the best option for the city and would include it as a very unique opportunity in the budget.

Mr. Zollinger closed by reporting other recommended expenses had been, new servers, new vehicles in the ADS Department, and new exercise equipment in the Park Center and the Vita course upgrade in Murray Park, utilizing some previous year savings for a better course.

Mr. Zollinger was glad to be part of the process and was happy with how the city formed its budget. Most cities do not have a budget savings program. He could only praise the decision, made by a past Murray City Council, for getting it started. It had proven its value and provided a way of saving for needed circumstances, matching one time money with one-time expenses.

Ms. Turner agreed it made so much sense to have a savings program and the city had benefited since the beginning.

2.3 Channel 17 Presentation and Discussion - Bill Francis presenting.

Mr. Camp introduced Mr. Francis as the gentlemen who provided live streaming feed on the internet for Murray City Council Meetings. Exploring the possibilities and options with Channel 17 for more exposure on the community television station was introduced.

Mr. Francis the owner and operator of The Imagination Company, shared his background with 30 years of experience in the field. After his involvement with Ogden City, he created Channel 17, 13 years ago. Ogden's local television station was struggling, and in an effort to help the mayor get it reorganized, he saw great potential for city exposure. One of the biggest challenges many cities and organizations found with the channel, was trying to manage it alone, because of the required work to run a station. Without good content and producers, many cities gave up and stations went dark. His career began at KSL Broadcasting House, with a background in producing and a vast exposure to content, he acquired the ability to conduct the work in a very fast and efficient way. The biggest issue and most common complaint was that shows were repeated often. He was able to attain more content, such as Bonanza, various sitcoms, and movies. He also attained content referred to as *Evergreen*, thousands and thousands of hours of very new and refreshing content. Another problem was master control, which was a full time employee to load commercials and continually switch out content. These tasks used complicated software, which often went down and needed constant repair. Mr. Francis built his own system and now conducts business from his cell phone, eliminating the master control position. A KSL engineer, who runs Salt Lake Community College (SLCC) programs on television, observed Mr. Francis's system and decided to use it, as well as, seven other stations.

Currently, with his new system, a staff member creates various content, such as a jpeg or quick time movie and simply files it into the Imagination Company ICON folder, located on the desk top. The content is immediately on the station right from her folder, bypassing the IT department and extra time to format. Anyone in Murray City would have access to send newsletters, announcements or billboard type messages in this manner.

Pricing was given in a menu type format with various options to choose from. Various services, productions, and monthly shows such as a conversation with the Mayor, were a few ideas. Mr. Hales inquired how the station would keep Murray broadcasting content, in Murray City. Mr. Francis explained Comcast had wired every city with boundaries. Murray was sharing SLCC television, but had nothing on the air currently.

Ms. Towers stated Murray had been off Channel 17 for quite some time.

If and when content from Murray was fed into the system, it would only be shown within the Murray City boundaries.

Mr. Hales inquired, if Murray City wanted to broadcast its own breaking news, could it be programmed that way. Mr. Francis replied it could. Mr. Nicponski inquired about crowd surfing. Mr. Francis explained as far as the Murray City Council meetings, they were strictly live streamed for on line viewing only. With his new system, he would live stream to computer

viewing, as well as, television, showing reruns of council meetings if desired. How often they would utilize the Channel time for meeting coverage would be up to the Murray City Council.

Whether it be cartoons, Bonanza, sitcoms, Crowd Surfing or The Long Way Home, Murray would build its own personal daily viewing schedule. Mr. Francis reported The Long Way Home had just become one of the most popular shows and would like to film the large Indian tree carving, located in Murray Park for one of its episodes. The Jolt Zone is another show that is taking off on Channel 17, which would recreate the Evil Knievel motorcycle jump across the Snake River. The station traveled to Idaho to cover the filming. Mr. Francis informed the council all links and information could be sent for their review. It would be great local content and the only place to view this was on Channel 17.

Mr. Hales inquired if Murray High School and Cottonwood High School sports games could be broadcast. Mr. Francis confirmed they could. Ms. Turner asked if the 4th of July Parade could be televised. Mr. Francis stated he could accommodate that type of surfing and just about anything the city would like.

He explained a term called *cutting the cable*, which meant that people were disconnecting from Comcast. Viewing programs on a tablet, cell phone, computer or television, were options to watch live streaming on Channel 17, by way of simply connecting to the internet. To help promote content among young people, one could use Twitter, Facebook and YouTube, as well.

Ms. Turner asked if the pricing sheet provided reflects the cost of \$1000 per month. Mr. Francis stated he could develop a program and prices could vary depending on the needs of Murray. His fee would include, operating the station and creating crowd surfing shows each month. He explained it would also include billboard messaging which would open a new window of content within the viewing screen. It could provide current local weather forecasts, various announcements, breaking news, messages, or animation, all specified just for Murray City. The pop up billboard would occur two to three times an hour, for 5 minutes, then return to full screen viewing.

Mr. Nicponski inquired about crowd surfing choices. Mr. Francis stated he had access to headliners from Wise Guys Comedy Club and Bollerjack. Because he broadcasts for Box Elder, Weber, Davis, and most of Salt Lake City through SLCC, promoting an event in Murray City could be advertised in these areas for further outreach. If, however, an event should compete with another city's event, he would not advertise it in those areas.

Mr. Nicponski inquired if most of the entities listed on the sheet had already been on Channel 17 at one time or another. Mr. Francis confirmed he had links for all the various shows available and they could be sent to the council for decision making.

The new Murray City video could be downloaded on YouTube where he could load it into his system. When watching the video on Channel 17, one would actually be watching YouTube. Local high school sports could also be made available on Channel 17. With sponsorships, and a cost of \$600 per game, a cameraman, a professional commentator and editor would be provided. For example, the show called High School Rewind, would air local football games, recorded and condensed into a 45 minute segment.

On the legal side there are Public Educational Government Access (PEG) channels. Working very closely with Gary Williams, Ogden City Attorney, the program was changed to Education Government Access (EG), which had worked for Ogden City for over 13 years. Mr. Williams would be available to answer questions the council might have about the program. Business profiles, fairground events, educational classes, city events, local plays, and local movies could all be part of the schedule. For instance, after the Murray City Council Meeting would air, local live television would return. Mr. Nicponski commented this was a very good thing, because the future is here. Mr. Francis believes with the popularity of social media it is the way to go and Channel 17 has become a major destination channel for many viewers. Channel 17 is the channel used by all cities on Comcast only.

Mayor Eyre commented he had seen various sports games on Channel 17 and believed they were televised as good as professional coverage.

Mr. Camp concluded this was certainly a great opportunity to get information to the public. Mr. Francis believed using a professional host would make a great difference, whether for sports and business coverage, to interviews with the Mayor Eyre or Murray City Council Members. The possibilities were limitless.

2.4 Discussion of Proposed Ordinance Changes Regarding Business Licensing of Food Trucks - Tim Tingey and Jared Hall presenting.

The biggest issue related to mobile food trucks came about due to increased number of events within the city, where they conduct business, both on business properties and in Murray Park. The current ordinance contains no definition of a mobile food truck. Categorized as seasonal use permit, onetime event or special use permit, the problem occurred when vendors had to return multiple times to the city, to attain approval for the events they were serving. The goal was to define the mobile food truck and outline the process that will actually help food truck owners do business in the community. Defining where they can conduct business, signage and other related issues were considered.

The new proposed ordinance, still undergoing fine tuning, would be brought to the council in the future. It was likely they would fit into the business licensing category, because a food truck is mobile, it would not fit into a land use category. Holding a business license would be a better fit for this type of business. A power point presentation was shared to explain and highlight the proposed ordinance related to mobile food truck requirements. Information was attained from other ordinances across the United States who regulate mobile food trucks, and had provided suggested recommendations and guidance in the ordinance setting.

Mr. Hall explained food truck vendors are required to attain temporary sales tax identification numbers with the state every time they get a temporary business license. He explained a mobile food truck by definition, the requirements and regulations:

What a mobile food truck is:

- On private property only. (*NOT street vending, for example, taco carts on public property.*)

- Food and beverage only. (*NOT mobile services, for example, mobile massages.*)

How a mobile food truck operates:

- Year round, throughout Murray City, by that vendor.
(*Larger trucks attaining a yearly mobile food license, for example, Sweeto Burrito or Waffle Love, could park in any private property after they attained a sales tax ID that was associated for that territory.*)
- Others can still operate through traditional temporary permits or special events in the city. (*Sales tax ID is already set in place in order to coordinate with events.*)

Suggested requirements:

- Must be on private property, non-residentially zoned property
- Always temporary (no longer than 12 hours total at a one location)
- No drive through services
- Written consent of the property owner required
- Not to operate within 200 feet on the same block as another restaurant or special event serving food. (Unless permission is given.)
- No detached signs
- Clean site, trash containers required
- Must not inhibit access to and from the site, canopies must not project into the right of way
- Not prohibited as a part of city authorized special events on public property
- Liability insurance required

Mr. Hall stated a positive aspect of the ordinance was the city could gain control knowing liability insurance was in place. With gaining popularity, it appeared to be the best way to go in dealing with mobile food trucks. There had never been a category fitting to mobile food trucks, as there has been for a snow cone stand, or fireworks sellers. An application for vendors has been drafted and a few more details would be ironed out in order for it to accommodate everyone involved.

Mr. Brass inquired if ice cream trucks, would fall into this category as being mobile and selling food. Mr. Hall explained ice cream trucks would not be included in the same category, because they are in public rights of way and an ice cream company would hold a business license instead of the individual truck drivers/owners. The category for ice cream trucks functioned properly and would be handled by another system currently in place.

Mr. Brass inquired about the private, residential property, and how it affected a citizen who hired a mobile food truck for a celebration, located at a house or parked in the driveway. Mr. Hall stated in that type of situation, he would anticipate the home owner attained a temporary, special event permit.

Mr. Hall explained the new ordinance was specifically for licensed food trucks who would not need to renew its business license for an entire year, as long as the ordinance was followed.

Mr. Brass inquired if a special event permit be required if he held a wedding reception in his backyard. Mr. Tingey responded if a mobile food truck was hired for the event, a special event permit would be required there also.

Mr. Nicponski inquired if the burden would be on the food truck or on the property owner. Mr. Hall replied the burden would be on the food truck and if they are already licensed, the homeowner would not need to set up a temporary sales tax number. This make it easier to organize.

Mr. Camp inquired if mobile food trucks would undergo inspections for fire. Mr. Hall stated they would be required to have the same type of inspections other businesses were required to have, from the Health Department and Fire Department, as well as, vehicle inspections used for conducting business. All standards as part of holding a business license would apply to mobile food trucks.

Mr. Tingey added there were additional standards where there are multiple jurisdictions in cross over businesses. Continued meetings with Murray City attorneys would be anticipated related to issues and standards.

Mr. Camp inquired how sales tax collection was addressed, when food trucks move from city to city. Mr. Hall responded with the proposed ordinance, Murray City would benefit. Other cities had adopted similar ordinances and created a sales tax identification number, specifically for that particular city. For example, if Waffle Love had a business license in four or five different cities, a sales tax identification number would be created and used for each individual city. Tax dollars generated in a specific city, would be allocated to that city.

2.5 Discussion of Proposed Modifications to the Mixed Use Zone Lower Level Commercial Uses - Tim Tingey presenting.

Mr. Tingey stated an application had been presented to the Murray City Planning Commission on April 7, 2016 as an amendment to the current text. He stated the proposal from a private developer was related to the Mixed Use Zone, the area located in the center part of the community and near the Trax station and Front Runner.

The original purpose was for a Manufacturing General Zone, which did not allow residential uses. A change occurred several years ago, when the council adopted a Mixed Use ordinance in that area, allowing for a full commercial zoning district in a neighborhood community.

From a land use perspective, in the Mixed Use Zone, residential components would be allowed, but would require 75% of the lower floor to be commercial tenants. With multiple parcels, the mix of 75% would still apply providing flexibility for a large commercial residential project. This is not a multi-family area and the mixed use zone was never intended for that. It was, however, intended to allow for full commercial or a mix. He explained the mixed use meant, with residential usage, a component of commercial is required. The ordinance states residential uses on the ground floor is limited to 25% of the square footage, but projects with multiple parcels, the total project square footage would be used to calculate the required amount. The proposal

states the requirement for the commercial component would be eliminated and would allow a full residential project, if the ordinance is adopted.

Mr. Tingey explained the original intent came from looking at other areas. Developers argue the concept of lower level commercial space does not work well in Utah. They also add that allowing for more residential would be better for the area. For the eight years of his employment with Murray City, Mr. Tingey had heard this negative opinion from multiple developers. So, the city looked closely in Utah at a few examples of areas where there was lower level commercial, and upper level residential space. Sugarhouse for example, at Highland Drive, 2100 South and 1300 East there are multiple stories of residential space, with the full bottom floor of commercial business. Other examples where these components have worked successfully together were also discovered. Mr. Tingey repeated once again, the intent of the ordinance was not to provide a multi-family area. Going from full commercial, where you have more significant tax value, to a full residential area, would only create a multi-family area.

Mr. Tingey stated the issue deserved explanation and this proposal would be coming to the council. The Murray City Planning Commission had deliberated on it and the council would be receiving detailed minutes and recommendations regarding the amendment.

Mr. Nicponski stated this could be a function of the area where it is located and stated it would need to be watched. Mr. Tingey replied that the location of the Mixed Use area had high visibility streets, for example, Vine Street, Commerce Drive and were all in close proximity to the Intermountain Medical Center with 700,000 patients close by. Many of the arguments were related to whether commercial space would be viable or not in the area and that remains a challenging argument.

Mr. Camp inquired if the commercial zoning was viable, but not in the package the city is requiring. In other words, if someone wanted to construct a pizza shop at the corner of Commerce and Vine Street, the ordinance would not allow them to do that because it required a residential component. Mr. Tingey denied that and stated if it was a commercial project in the Mixed Use Zone, they could definitely locate a pizza shop in that area. However, if constructing a residential project, this was where the requirement of incorporating a commercial project would come in. He often heard people say that retail space may not work in the area, however, it would not just be retail stores, commercial would include businesses, such as, professional offices, medical offices, and business type retail. An element of light warehousing would also fall into this zone. Mr. Tingey stressed, the Mixed Use Zone was not the Murray City Center District.

Mr. Brass asked if the commercial space on the slide presentation of Sugarhouse was all leased. Mr. Tingey confirmed it was. Mr. Hall added he had visited the area recently and there were currently no empty spaces available.

Mr. Brass shared his concern when looking at the Hilton Home 2 Suites where not much of the retail space was filled, except for the Subway Sandwich Shop. He knew the owner had been struggling with business being rather slow. It was also a struggle to get space leased in the Fireclay area. He stated he could not understand why the Hilton space was struggling because of its location on State Street and highly visible, where Fireclay was on Main Street and a

through street, but it may not be a place where citizens were looking to do business. The Fireclay area has no space currently available, however, it had taken awhile to fill it. Mr. Brass stated he was very fond of the mixed use concept but is wondering if there would be more flexibility for certain areas based on traffic.

Mr. Camp echoed the concern and stated in the Fireclay area there was a lot of residential space but eateries and grocery were not present. He wondered if that was due to the requirements for design, however, he understands a free standing commercial is allowed.

Mr. Tingey confirmed this type of eatery could be constructed in the area. For example, most recently, he had seen a concept brought in by a developer, for a small neighborhood grocery store element in Fireclay. It was not a formal proposal but the concept would be very much considered. In the Transit Oriented Development (TOD) areas full commercial business is allowed. As far as the Hilton Home 2 Suites, it had become more challenging than thought to fill the space, however, on a positive note, a second tenant has been leased now and tenant improvements would begin for them soon. He reported a third tenant was close to finalizing a lease as well.

Mr. Brass realized it had put a burden on the property owner to hold that much square footage empty for a while, however, growing up in this type of environment himself, he was fond of the concept but believed it had to work well for all.

Mr. Tingey stated part of the concerns he and staff had heard was that in the mixed use areas, currently, financing was more difficult to attain when including commercial components. The concern he had was with financing so easy for residential apartments, multi-family areas would be the overall result; multiple apartments with no commercial. The city would like to preserve the mix of uses in an area that it believes long term, would be very viable for commercial and residential together as a community.

Mr. Camp echoed the concern and would hate to see all commercial areas turn into just residential space, just because financing was easier to attain right now and would seem short sighted.

Mayor Eyre added the Sugarhouse area was an example of a city trying to build something for future generations to use. They know their future market was going to consist of the young millennial. Sugarhouse has built residential areas for them, where they could live comfortably, walk downstairs to eat, shop, and conduct personal business right in their area. They also made it bikable to the surrounding areas. Mayor Eyre believed the concept was a great idea even though it might be difficult for some of us to adjust to the idea, because of age and how we grew up. In the past, we would drive long distances to visit shopping centers, where millennials do not live this way today. Keeping in mind, what the city builds now, would be for future generations, instead of creating what our experience had been for the last fifty years.

3. Announcements: Ms. Lopez made the following announcements:

- Mr. Zollinger would be preparing budget books for the upcoming annual budget meeting and would have them sent to the Murray Council for study.

- The annual budget meetings would be held May 18 and May 19, 2016, in the Murray City Hall conference room.
- There would be two retirement celebrations within the Murray City. One on May 11, 2016, for Rick Olsen, held at the Park Building from 1:00 p.m. to 3:00 pm and the other held on May 12, 2016, for Cinda Richards; held at Public Services, from 1:00 p.m. to 3:00 p.m.
- Wednesday, May 25th at 12:15 p.m. the Heritage Center would be acknowledging volunteer of the month.

4. Adjournment: 6:10 p.m.

**Pattie Johnson
Council Office Administrator II**